

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DONALD BURCHETT,

Plaintiff,

v.

MASON COUNTY JAIL,

Defendant.

Case No. C07-5718FDB-KLS

REPORT AND
RECOMMENDATION

Noted for June 13, 2008

Plaintiff is a state prisoner currently incarcerated at the Spokane County Jail, located in Spokane, Washington. This matter is before the Court on plaintiff's failure to comply with the undersigned's order to show cause regarding certain deficiencies in his complaint. (Dkt. #11). After a review of the record, the undersigned submits the following report and recommendation, recommending that the Court dismiss this action for failure to comply with the undersigned's order to show cause.

DISCUSSION

On March 27, 2008, the undersigned issued an order informing plaintiff that his complaint was deficient. Specifically, plaintiff had failed to allege that any specific individual caused or personally participated in causing the harm alleged, naming only the Mason County Jail as a defendant in this case. The undersigned further found plaintiff had failed to properly state a claim against the one defendant he did name, the Mason County Jail. As such, due to these deficiencies, the undersigned informed plaintiff that the complaint would not be served.

Plaintiff further was directed to file an amended complaint, curing, if possible, the deficiencies in

1 his original complaint, or show cause explaining why this matter should not be dismissed by no later than
2 April 26, 2008. To date, however, plaintiff has not filed an amended complaint or otherwise responded to
3 the undersigned's order to show cause.

4 CONCLUSION

5 Because plaintiff has failed to respond to the undersigned's order to show cause (Dkt. #11), and
6 because his complaint remains deficient for the reasons set forth herein, the Court should dismiss this case
7 with prejudice.

8 Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rules of Civil Procedure ("Fed. R. Civ. P.") 72(b),
9 the parties shall have ten (10) days from service of this Report and Recommendation to file written
10 objections thereto. See also Fed.R.Civ.P. 6. Failure to file objections will result in a waiver of those
11 objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit
12 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set this matter for consideration on **June 13,**
13 **2008**, as noted in the caption.

14 DATED this 19th day of May, 2008.

15
16
17 

18 Karen L. Strombom
19 United States Magistrate Judge
20
21
22
23
24
25
26
27
28